



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE CENTER AND FORT HUACHUCA
1903 HATFIELD STREET
FORT HUACHUCA ARIZONA 85613-7000

ATZS-CG

29 April 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: POLICY 112 – Withholding of Disposition Authority from Commanders

1. REFERENCES.

- a. Manual for Courts-Martial, United States, Rule for Courts-Martial 306.
- b. AR 27-10, Military Justice, paragraph 3-7, 6 Sep 02.
- c. Fort Huachuca Regulation 27-10, Military Justice, paragraph 3-2, 27 May 04.

2. APPLICABILITY. This policy applies to all units and tenant activities under the general court-martial convening authority of the Commander, Fort Huachuca.

3. POLICY. Effective immediately, I am withholding disposition authority for all offenses under the UCMJ committed by noncommissioned officers in the grade of E-8 and above, and all warrant and commissioned officers. Authority to dispose of the offenses (i.e., take final action) is withheld by me. Taking final action includes, but is not limited to, issuing an oral or written reprimand, non-judicial punishment under Article 15, UCMJ, relief for cause, removal from promotion lists, adverse administrative discharges, dismissing charges, or a decision to take no action. This does not preclude a company, battalion or brigade commander from preparing court-martial charges and forwarding those charges to the next higher command. This policy is intended to supplement Fort Huachuca Regulation 27-10, paragraph 3-2, Reservation of Authority to Impose Nonjudicial Punishment.

4. PROCEDURE. Special Court-Martial Convening Authorities (SPCMCA, brigade commander) will promptly notify the Commander, USAIC&FH and the Office of the Staff Judge Advocate of credible allegations of misconduct by commissioned officers, warrant officers, and noncommissioned officers in the grade of E-8 and above attached to their commands. An act of "misconduct" includes any misconduct or violation of the UCMJ, local, state, or federal law. Ordinarily, it is unnecessary to wait for a complete report of investigation before making notification under this paragraph.

5. Nothing in this policy precludes commanders from requesting jurisdiction over particular cases.

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6. PROPONENT. Office of the Staff Judge Advocate. For further information, call the Military Justice Division at the OSJA at 533-0569.



BARBARA G. FAST
Major General, USA
Commanding

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